REMARKS

Claims 1-14 are pending.

Claims 1-14 are rejected.

Claim 15 is canceled.

Claims 11, 12, and 14 are amended to correct the antecedent basis problems addressed by the Examiner in the Office Action mailed on March 28, 2008. No new matter was added in view of these amendments.

Claim 15 is canceled, hence the rejection under 35 U.S.C. 101 is now moot.

The Specification is amended to add section headings, as requested to by the Examiner in the Office Action.

Likewise, the Applicants have submitted a new Abstract, as requested to by the Examiner in the Office Action.

No new matter was added in view of these amendments.

ARGUMENTS

I. 35 U.S.C. 102(b) Rejection of Claims 1, 6, 7, and 10-14

The Examiner rejected Claims 1, 6, 7, and 10-14 under 35 U.S.C. 102(b) as being anticipated by Park et al. (U.S. Patent 6,460,180, hereafter referred to as 'Park). Applicants disagree with this ground of rejection.

A. In the formulation of the Examiner's rejection to Claim 1, the Examiner associates the element of Claim 1 of a "startup application" with a trigger from Park. Applicants note that this association is incorrect.

The startup application of Claim 1 is in fact a startup application which be defined in the Applicants' specification as being a functional assembly designed to be executed at a level of a receiver, see page 6, lines 1-9 of the specification. This definition of a startup application is not a trigger. Specifically, a trigger is disclosed in Park as being something such as a line of data containing a URL that identifies an information resource of a broadcaster's server (see col. 1, lines 44-47). The triggers of Park cannot however be executed in the same type of manner as the startup application of Claim 1, in that such triggers do not contain enough code to be executed in the same manner as an application. At best, a trigger will define a particular URL of a resource which may or may not be accessed based upon rules present in a device (Park). Applicants therefore assert that the triggers of Park are not the same as the "startup application" of Claim 1.

B.   The Examiner in the rejection also associates the claimed "file" of Claim 1 as being equivalent as the "rules" disclosed in Park. Although the Applicants disagree with the Examiner's characterization, the Applicants would like to point out that assuming arguendo and one would incorrectly make the Examiner's association, the elements of Claim 1 would still not be disclosed or suggested in Park.

Specifically, Claim 1 operates where a test is performed for the presence in a memory for at least one file of additional data. If such a file is present, a second application will be started using the file of additional data. If the file is not present, then a received first application will be started.

The operation of Park discloses the presence of rules in almost every example given. Hence, if one were to incorrectly consider the characterization by the Examiner that the rules of the Park are the same as the "file" of Claim 1, the first application of Claim 1 would never be activated because Park will always have some type of rule present. Otherwise, the use of the triggers of Park would not make any sense.

Claim 1 operates on the test whether a file exists or not in a specific memory. Such a test determines whether a first application or a second application, which uses such a file, will be activated. In contrast, Park operates by defining rules and using such rules to determine whether or not a trigger will activate some type of condition. Such a determination is made by what information (such as a URL) is present in the trigger, versus Claim 1 which operates whether or not a file is present or not in a memory. Claim 1 does not consider what is in the file, but rather it considers whether a file is present or not.

Moreover, once Claim 1 determines that a file is present, the file is used when the second application is activated. Park does not disclose or suggest that the "rules" themselves are used with a second application, unlike Claim 1 where the file itself is used with the second application.

For the reasons given above for Claim 1, Applicants assert that the claim is patentable over the cited art of record. In addition, Applicants assert that Claims 6, 7, and 10-14 are patentable, as such claims depend on allowable Claim 1. Applicants request that the rejection to these claims be removed.

II. 35 U.S.C. 103(a) Rejection of Claims 2-5

The Examiner rejected Claims 2-5 under 35 U.S.C. 103(a) as being unpatentable over Park in further view of Rodriguez et al. (U.S. Patent Publication No. 2002/00596623). Applicants disagree with this ground of rejection.

Applicants assert that Claims 2-5 are patentable, as such claims depend on allowable Claim 1. Applicants request that the rejection to these claims be removed.

III. 35 U.S.C. 103(a) Rejection of Claims 8 and 9

The Examiner rejected Claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Park in further view of Junqua et al. (U.S. Patent Publication No. 2004/0236779). Applicants disagree with this ground of rejection.

Applicants assert that Claims 8 and 9 are patentable, as such claims depend on allowable Claim 1. Applicants request that the rejection to these claims be removed.

Having fully addressed the Examiner's rejections, it is believed that this patent application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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